

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

JESUS PARRA,  
Plaintiff,

v.

FEDEX FREIGHT SERVICES, INC.,  
a/k/a FEDEX CORPORATE SERVICES,  
INC., a/k/a FEDEX CORPORATION,  
Defendant.

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CIVIL ACTION NO: 3:14-CV-00459

**DEFENDANT'S NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGE OF THIS UNITED STATES DISTRICT COURT:**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant hereby gives notice of removal of the following civil action:

**Case No. 2014DCV3433; *Jesus Parra v. FedEx Freight Services, Inc., a/k/a FedEx Corporate Services, Inc., a/k/a FedEx Corporation*; In the County Court at Law No. 3 of El Paso County, Texas.**

In accordance with 28 U.S.C. § 1446(a) copies of all pleadings, process and orders of the Texas state court received by Defendant by service or otherwise are attached hereto as Exhibit "A" and are incorporated by reference as if fully set forth herein. As grounds for removal, Defendant respectfully states as follows:

**ACTION BROUGHT UNDER DIVERSITY JURISDICTION**

1. Plaintiff commenced this action on or about October 28, 2014. Defendant was served with process on November 17, 2014. This removal is timely having been filed within 30 days of service.

2. In his Original Petition, Plaintiff stated that he resides in El Paso County, Texas. *See Plaintiff's Original Petition*. Defendant FedEx Freight Services, Inc. is not a correctly named Defendant. FedEx Freight Services, Inc. and FedEx Corporate Services do not exist. To the extent Plaintiff intended to name FedEx Corporation as a Defendant, FedEx Corporation is a Delaware corporation with its principal place of business in Memphis, Tennessee. In addition, Defendant maintains that the proper party to this action is FedEx Freight, Inc. as Plaintiff was employed by FedEx Freight Inc. at all relevant times. FedEx Freight, Inc. is incorporated in Arkansas and has its principal place of business in Harrison, Arkansas.

3. Accordingly, this Court has diversity jurisdiction over this case because the suit involves a controversy between parties of diverse citizenship, and upon information and belief, Plaintiff is alleging an amount in controversy which exceeds \$75,000. *See* 28 U.S.C. § 1332(a). This case is properly removed to the El Paso Division of the Western District of Texas as it is the district and division within which such action is pending. *See* 28 U.S.C. § 1446.

**COMPLIANCE WITH 28 U.S.C. § 1446**

4. This case is currently pending in El Paso County, Texas, which is in the Western District of Texas, El Paso Division.

5. Thirty days have not yet expired since this action was served upon Defendant. *See* 28 U.S.C. §1446(b).

6. Copies of this notice of removal are being served this day on Plaintiff's counsel of record in accordance with 28 U.S.C. § 1446(d).

7. Copies of this notice of removal are being filed this day with the Clerk of the County Court of El Paso County, Texas (County Court at Law No. 3) in accordance with 28 U.S.C. §

1446(d).

WHEFEFORE, Defendant hereby gives notice of the removal of this action from the County Court at Law No. 3 of El Paso County, Texas to the United States District Court for the Western District of Texas.

DATED: December 16, 2014.

Respectfully submitted,

**DESHAZO & NESBITT, LLP**

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**COUNSEL FOR DEFENDANT**

**FEDEX FREIGHT SERVICES, INC.**

**a/k/a FEDEX CORPORATE SERVICES,  
INC. a/k/a FEDEX CORPORATION**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was served on the following known Filing Users through the NEF, on this 16<sup>th</sup> day of December, 2014:

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/s/ Scott F. DeShazo  
Scott F. DeShazo